

CLOSED

**U.S. District Court [LIVE]  
Western District of Texas (Austin)  
CIVIL DOCKET FOR CASE #: 1:11-cv-00974-SS**

Reeves v. U.S. Food & Drug Administration et al  
Assigned to: Judge Sam Sparks  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/15/2011  
Date Terminated: 10/29/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Kay Gunderson Reeves**

represented by **Kay Gunderson Reeves**  
3616 Far West Blvd.  
#117-322  
Austin, TX 78731  
(310) 895-8219  
PRO SE

V.

**Defendant****U.S. Food & Drug Administration**

represented by **Mitchell L. Weidenbach**  
Assistant United States Attorney  
601 N.W. Loop 410  
Suite 600  
San Antonio, TX 78216-5512  
(210) 384-7360  
Fax: 210/384-7312  
Email: [mitch.weidenbach@usdoj.gov](mailto:mitch.weidenbach@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****U.S. Department of Health and Human Services**

represented by **Mitchell L. Weidenbach**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/15/2011	<u>1</u>	COMPLAINT ( Filing fee \$ 350 receipt number 100011996), filed by Kay Gunderson Reeves. (Attachments: # <u>1</u> Civil Cover Sheet and receipt)(tdk, ) (Entered: 11/16/2011)
11/15/2011	<u>2</u>	Summons Issued as to U.S. Department of Health and Human Services, U.S. Food & Drug Administration.(tdk, ) (Entered: 11/16/2011)
11/15/2011	<u>3</u>	CONSENT to Trial by US Magistrate Judge by Kay Gunderson Reeves. (tdk, ) (Entered: 11/16/2011)
12/14/2011	<u>4</u>	Agreed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by U.S. Department of Health and Human Services, U.S. Food & Drug Administration, Kay Gunderson Reeves. (Weidenbach, Mitchell) Modified on 12/14/2011 to add filer (klw, ). (Entered: 12/14/2011)
12/19/2011	<u>5</u>	ORDER GRANTING <u>4</u> Motion for Extension of Time to Answer re <u>1</u> Complaint ; U.S. Department of Health and Human Services answer due 1/23/2012; U.S. Food & Drug Administration answer due 1/23/2012. Signed by Judge Sam Sparks. (klw, ) (Entered: 12/20/2011)

01/23/2012	<u>6</u>	<i>Defendants'</i> ANSWER to <u>1</u> Complaint by U.S. Department of Health and Human Services, U.S. Food & Drug Administration.(Weidenbach, Mitchell) (Entered: 01/23/2012)
01/23/2012	<u>7</u>	Unopposed MOTION for Leave to Exceed Page Limitation by U.S. Department of Health and Human Services, U.S. Food & Drug Administration. (Attachments: # <u>1</u> Memo in Support, # <u>2</u> Affidavit, # <u>3</u> Exhibit, # <u>4</u> Affidavit, # <u>5</u> Exhibit)(Weidenbach, Mitchell) (Entered: 01/23/2012)
01/24/2012	<u>8</u>	ORDER GRANTING Defendants' <u>7</u> Motion for Leave to File Excess Pages in their Motion for a Stay and Memorandum in Support. Signed by Judge Sam Sparks. (klw, ) (Entered: 01/24/2012)
01/24/2012	<u>9</u>	MOTION to Stay and Memorandum in Support by U.S. Department of Health and Human Services, U.S. Food & Drug Administration. (Attachments: # <u>1</u> Declaration of Frederick J. Sadler, # <u>2</u> Exhibit A, # <u>3</u> Declaration of Nancy B. Sager, # <u>4</u> Exhibit G)(klw, ) (Entered: 01/24/2012)
01/24/2012	<u>10</u>	Order for Scheduling Recommendations/Proposed Scheduling Order due by 3/23/2012. Signed by Judge Sam Sparks. (klw, ) (Entered: 01/24/2012)
02/06/2012	<u>11</u>	MOTION for Leave to Exceed Page Limitation for Response in Opposition to FDA's Motion to Stay and Memorandum in Support by Kay Gunderson Reeves. (Attachments: # <u>1</u> Proposed Order)(klw, ) (Entered: 02/07/2012)
02/06/2012	<u>12</u>	Plaintiff's Response in Opposition to Defendant's <u>9</u> MOTION to Stay Case. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Appendix)(klw, ) ( <b>Clerk notes exhibits to voluminous to scan and placed on shelf.</b> ) (Entered: 02/07/2012)
02/07/2012	<u>13</u>	ORDER GRANTING Defendant's <u>11</u> Motion for Leave to File Excess Pages to Defendant's Motion to Stay and Memorandum in Support. Signed by Judge Sam Sparks. (klw, ) (Entered: 02/07/2012)
02/10/2012	<u>14</u>	Unopposed MOTION for Extension of Time to File Response/Reply by U.S. Department of Health and Human Services, U.S. Food & Drug Administration. (Weidenbach, Mitchell) (Entered: 02/10/2012)
02/21/2012	<u>15</u>	Unopposed MOTION for Leave to Exceed Page Limitation by U.S. Department of Health and Human Services, U.S. Food & Drug Administration. (Weidenbach, Mitchell) (Entered: 02/21/2012)
02/21/2012	<u>16</u>	REPLY to Response to Motion, filed by U.S. Department of Health and Human Services, U.S. Food & Drug Administration, re <u>9</u> MOTION to Stay Case filed by Defendant U.S. Food & Drug Administration, Defendant U.S. Department of Health and Human Services (Weidenbach, Mitchell) (Entered: 02/21/2012)
02/22/2012	<u>17</u>	ORDER GRANTING Defendants' <u>15</u> Motion for Leave to File Excess Pages in Defendants' REPLY to Plaintiff's RESPONSE to Defendants' Motion for Stay. Signed by Judge Sam Sparks. (klw, ) (Entered: 02/22/2012)
02/23/2012	<u>18</u>	ORDER DENYING Defendants' <u>9</u> Motion to Stay Case; ORDER DISMISSING as MOOT Defendants' <u>14</u> Motion for Extension of Time to File Response/Reply. Signed by Judge Sam Sparks. (klw, ) (Entered: 02/23/2012)
03/05/2012	<u>19</u>	ADVISORY TO THE COURT by U.S. Department of Health and Human Services, U.S. Food & Drug Administration. (Weidenbach, Mitchell) (Entered: 03/05/2012)
03/15/2012	<u>20</u>	Agreed MOTION for Extension of Time to File <i>Proposed Scheduling Order</i> by U.S. Department of Health and Human Services, U.S. Food & Drug Administration, Kay Gunderson Reeves. (Weidenbach, Mitchell) Modified on 3/16/2012 to add filer (klw, ). (Entered: 03/15/2012)
03/16/2012	<u>21</u>	ORDER GRANTING <u>20</u> Motion for Extension of Time to File the Proposed Scheduling Order until 04/23/12. Signed by Judge Sam Sparks. (klw, ) (Entered: 03/16/2012)
04/23/2012	<u>22</u>	Agreed MOTION to Extend Scheduling Order Deadlines by U.S. Department of Health and Human Services, U.S. Food & Drug Administration, Kay Gunderson

		Reeves. (Weidenbach, Mitchell) Modified on 4/24/2012 to add filer (klw, ). (Entered: 04/23/2012)
04/27/2012	<u>23</u>	Order GRANTNG <u>22</u> Motion to Extend Deadling to file Proposed Scheduling Order. Proposed Scheduling Order due by 5/8/2012. Signed by Judge Sam Sparks. (klw, ) (Entered: 04/27/2012)
05/07/2012	<u>24</u>	Scheduling Recommendations/Proposed Scheduling Order by U.S. Department of Health and Human Services, U.S. Food &Drug Administration, Kay Gunderson Reeves. (Weidenbach, Mitchell) Modified on 5/7/2012 to add filer (klw, ). (Entered: 05/07/2012)
05/15/2012	<u>25</u>	SCHEDULING ORDER. Signed by Judge Sam Sparks. (klw, ) (Entered: 05/15/2012)
06/04/2012	<u>26</u>	Agreed MOTION to Extend Scheduling Order Deadlines by U.S. Department of Health and Human Services, U.S. Food &Drug Administration, Kay Gunderson Reeves. (Weidenbach, Mitchell) Modified on 6/4/2012 to add filer (klw, ). (Entered: 06/04/2012)
06/06/2012	<u>27</u>	AMENDED SCHEDULING ORDER. Signed by Judge Sam Sparks. (klw, ) (Entered: 06/06/2012)
08/10/2012	<u>28</u>	MOTION for Summary Judgment <i>and Memorandum in Support</i> by U.S. Department of Health and Human Services, U.S. Food &Drug Administration. (Attachments: # <u>1</u> Declaration of Philips, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Declaration of Frederick Sadler, # <u>5</u> Declaration of Nancy Sager)(Weidenbach, Mitchell) (Entered: 08/10/2012)
08/24/2012	<u>29</u>	MOTION for Leave to file a Response in Opposition to Defendants' Motion for Summary Judgment that Exceed Page Limits, by Kay Gunderson Reeves. (kkc, ) (Entered: 08/24/2012)
08/24/2012	<u>30</u>	Response in Opposition to Motion, filed by Kay Gunderson Reeves, re <u>28</u> MOTION for Summary Judgment <i>and Memorandum in Support</i> filed by Defendant U.S. Food &Drug Administration, Defendant U.S. Department of Health and Human Services (Attachments: # <u>1</u> Appendix Part 1 of 6, # <u>2</u> Appendix Part 2 of 6, # <u>3</u> Appendix Part 3 of 6, # <u>4</u> Appendix Part 4 of 6, # <u>5</u> Appendix Part 5 of 6, # <u>6</u> Appendix Part 6 of 6)(kkc, ) (Entered: 08/24/2012)
08/28/2012	<u>31</u>	ORDER GRANTING <u>29</u> Motion for Leave to File Excess Pages. Signed by Judge Sam Sparks. (klw, ) (Entered: 08/29/2012)
08/29/2012	<u>32</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>28</u> MOTION for Summary Judgment <i>and Memorandum in Support</i> by U.S. Department of Health and Human Services, U.S. Food &Drug Administration. (Weidenbach, Mitchell) (Entered: 08/29/2012)
09/04/2012	<u>33</u>	ORDER Setting Pending Motions Hearing / Scheduling Conference / Status Conference for 9/26/2012 09:30 AM before Judge Sam Sparks. Signed by Judge Sam Sparks. (klw, ) (Entered: 09/04/2012)
09/05/2012	<u>34</u>	ORDER GRANTING <u>32</u> Motion for Extension of Time to File Response/Reply. Signed by Judge Sam Sparks. (jk, ) (Entered: 09/05/2012)
09/10/2012	<u>35</u>	REPLY to Response to Motion, filed by U.S. Department of Health and Human Services, U.S. Food &Drug Administration, re <u>28</u> MOTION for Summary Judgment <i>and Memorandum in Support</i> filed by Defendant U.S. Food &Drug Administration, Defendant U.S. Department of Health and Human Services <i>Defendant's Reply in further Support of it's Motion for Summary Judgment</i> (Attachments: # <u>1</u> Affidavit Declaration of John P. Swann)(Weidenbach, Mitchell) (Entered: 09/10/2012)
09/26/2012	<u>36</u>	Minute Entry for proceedings held before Judge Sam Sparks: Scheduling Conference / Status Conference held on 9/26/2012. Written order forthcoming. (Minute entry documents are not available electronically.). (Court Reporter Lily Reznik.)(klw) (Entered: 09/26/2012)

09/26/2012	<u>37</u>	ORDER that plaintiff shall have 30 days to meet and confer with counsel for the Defendant to explain any remaining issues and requests in writing; Defendant U.S. Food and Drug Administration shall have 30 days to respond to Plaintiff's issues and requests in writing; the parties shall advise the Court of any unresolved issues after the parties have met, conferred, and responded. Signed by Judge Sam Sparks. (kkc) (Entered: 09/26/2012)
10/01/2012	<u>38</u>	NOTICE of Compliance of Court Order to Kay Gunderson Reeves to file documents. (klw) (Entered: 10/01/2012)
10/25/2012	<u>39</u>	Agreed MOTION to Dismiss by Kay Gunderson Reeves, U.S. Department of Health and Human Services, U.S. Food & Drug Administration. (Weidenbach, Mitchell) (Entered: 10/25/2012)
10/29/2012	<u>40</u>	ORDER Granting Motion to DISMISS CASE with Prejudice. Signed by Judge Sam Sparks. (klw) (Entered: 10/29/2012)